

030204

17157 U.S.PTO

22390 U.S.PTO  
10/791205

030204

# UTILITY PATENT APPLICATION TRANSMITTAL

<b>Address to:</b> Mail Stop <b>PATENT APPLICATION</b> Commissioner for Patents U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	<b>Attorney Docket No.</b> 2003-023-DSK	
	<b>Inventor(s) or Appln. Identifier</b> Charles A. Milligan, Michael L. Leonhardt, Stephen S. Selkirk, Thai Nguyen, Steven H. McCown, Michael V. Konshak, Robert Klunker, Gerold O'Nions, Jacques Debiez, Ludovic Duval, Phillippe Y. LeGraverand	

1. This application entitled CANISTER-BASED STORAGE SYSTEM is:
- a.  A new application under 37 C.F.R. § 1.53(b).
  - b.  A    continuation    divisional or    continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No.   /   filed on       , entitled       .
  - c.  A new utility application which claims the benefit of provisional application Serial No. 60/451,460, filed on March 3, 2003.

Application elements and other attached papers:

- 2.  Specification (including Claims and Abstract) [Total Pages 23]
- 3.  Drawings (x informal /    formal) [Total Sheets 27]
- 4.  Oath or Declaration
  - a.  Newly-executed
  - b.  Copy from a prior application (37 C.F.R. § 1.63(d))
- 5.  Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- 6.  This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
  - a.  ***DELETE*** the following inventor(s) named in the prior nonprovisional application:  

---
  - b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this **UTILITY PATENT APPLICATION TRANSMITTAL** and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop Patent Application, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Express  
Mail Label No. ER 638335535 US

**Stephanie Klepp**

(Type or print name of person mailing paper)

Date of Deposit: March 2, 2004

  
(Signature of person mailing paper)

## 7. Preliminary Amendment:

- a.  A Preliminary Amendment Under 37 C.F.R. § 1.115 is attached.
- b.  Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee.
- c.  Please amend the specification by inserting before the first line the sentence:

"This is a \_\_\_\_\_ continuation \_\_\_\_\_ divisional of copending application(s) serial number \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_."

- d.  A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

## 8. Small entity status:

- a.  Applicant claims small entity status.
- b.  Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c.  Is no longer desired.

## 9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	23	-20 =	3	x 18.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	1	-3 =	-	x 86.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. §1.16(d))			290.00	--
BASIC FEE (37 C.F.R. § 1.16(a))				770.00
TOTAL OF ABOVE CALCULATIONS				824.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28)				--
\$40.00 ASSIGNMENT RECORDAL FEE (if applicable)				--
TOTAL				824.00

- 10.  A check in the amount of \$\_\_\_\_\_ is enclosed.

- 11.  The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Storage Technology Corporation Deposit Account No. 19-4545:

  - a.  Fees required under 37 C.F.R. § 1.16.
  - b.  Fees required under 37 C.F.R. § 1.17.

## 12. Maintenance of Copendency of Prior Application

- A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until \_\_\_\_\_

13.  An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:

a.  Form PTO/SB/08 ( sheet(s))

b.  Copies of references cited

14.  Certified copy of priority document(s) AND  English Translation Document (if applicable)

15.  Nonpublication Request Under 37 C.F.R. § 1.213(a) is attached

The undersigned certifies that the invention disclosed in the application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

16.  Request for Early Publication Under 37 C.F.R. § 1.219

17.  Return Receipt Postcard

18.  Other: \_\_\_\_\_  
\_\_\_\_\_

19.  An Assignment of the invention to Storage Technology Corporation  
having an address of One StorageTek Drive, MS-4309, Louisville, Colorado 80028-4309

a.  is attached.

b.  was recorded on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_.

c.  Applicant requests that the above assignee information be published with the application.

20. The power of attorney in the prior application is to:

Name of Attorney of Record

Reg. No.

The power appears in the original papers in the prior application.

The power does not appear in the original papers, but was filed on \_\_\_\_\_.

A new power has been executed and is attached.

21. Correspondence Address: Please address all future communications to:

Timothy R. Schulte,  
Storage Technology Corporation  
One StorageTek Drive, MS-4309  
Louisville, Colorado 80028-4309  
Telephone: 303-673-5989; Fax: 303-673-4151

Respectfully submitted,

Date March 2, 2004

  
Name: Timothy R. Schulte  
Registration No.: 29,013

Attorney or agent of record  
 Filed under Rule 34(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**Charles A. Milligan et al.**

Serial No.: Unknown

Filed: Filed Herewith

For: CANISTER-BASED STORAGE SYSTEM

Attorney Docket No.: 2003-023-DSK

**NONPUBLICATION REQUEST  
UNDER 37 C.F.R. § 1.213(a)**

Mail Stop Patent Application  
Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests that the above-identified application, submitted herewith, not be published under 35 U.S.C. § 122(b). Applicant certifies that the invention disclosed in the application identified above has not been, and will not be, the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at 18 months after filing.

Respectfully submitted,

**Charles A. Milligan et al.**

By: T. R. Schulte  
Timothy R. Schulte  
Reg. No. 29,013  
Attorney for Applicant

Date: March 2, 2004

**STORAGE TECHNOLOGY CORPORATION**

One StorageTek Drive, MS-4309

Louisville, CO 80028-4309

Phone: 303-673-5989